

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 11, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRET MICHAEL EMINETH (1) and
MALESA LYNN HALE (2),

Defendants.

No. 4:22-CR-06007-MKD

PROTECTIVE ORDER

ECF No. 39

Before the Court is the parties' Stipulation for Protective Order Regarding Identification of Minor Victim Pursuant to 18 U.S.C. § 3509, ECF No. 39. The parties stipulate that the discovery in this matter includes bona fide identity, image, and personal identifying information "PII" of an alleged child victim.

The Court has reviewed the stipulation, the record, and is fully informed. The Court finds applicable to this case the privacy protection measures mandated by 18 U.S.C. § 3509(d), which apply when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation or a witness to a crime committed against another person.

1 Accordingly, **IT IS ORDERED:**

2 1. The Stipulation for Protective Order Regarding Identification of Minor
3 Victims pursuant to 18 U.S.C. § 3509 is **ACCEPTED**. The parties' Motion for
4 Protective Order, **ECF No. 39**, is **GRANTED**.

5 2. All persons acting in this case in a capacity described in 18 U.S.C.
6 § 3509(d)(1)(B) shall:

7 a. Keep all documents that disclose the names, identities, personal
8 identifying information ("PII") or any other information concerning
9 minors in a secure place to which no person who does not have reason
10 to know their contents has access;

11 b. Disclose such documents or the information in them that
12 concerns minors only to persons who, by reason of their participation
13 in the proceeding, have reason to know such information;

14 c. Not permit Defendants to review discovery outside the presence
15 of defense counsel or a defense investigator;

16 d. Not permit Defendants to keep discovery in their own possession
17 outside the presence of defense counsel or a defense investigator; and

18 e. Not permit Defendants to keep, copy, or record the identities of
19 any minor or victim identified in discovery in this case.
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1 3. All papers to be filed in Court that disclose the names or any other
2 information identifying or concerning minors shall be filed under seal without
3 necessity of obtaining a Court order, and that the person who makes the filing shall
4 submit to the Clerk of the Court:

5 a. The complete paper to be kept under seal; and

6 b. The paper with the portions of it that disclose the names or other
7 information identifying or concerning children redacted, to be placed
8 in the public record.

9 4. The parties and the witnesses shall not disclose minors' identities
10 during any proceedings connected with this case. The parties and witnesses will
11 refer to alleged minor victims only by using agreed-upon initials or pseudonyms
12 (e.g., "Minor Victim 1"), rather than their bona fide names, in motions practice,
13 opening statements, during the presentation of evidence, in closing arguments, and
14 during sentencing.

15 5. The United States may produce discovery to each Defendant that
16 discloses the bona fide identity, images, and PII of the alleged minor victim, in order
17 to comply with the United States' discovery obligations. Defendants and their
18 respective defense team, including counsel, investigators, and all of their externs,
19 employees, and/or staff members, shall keep this information confidential as set
20 forth above.

1 6. This protective order shall apply to any attorneys who subsequently
2 become counsel of record, without the need to renew or alter it.

3 7. This protective order shall apply to the bona fide identity, images, and
4 PII of any minors who are identified over the course of the case, whether or not such
5 minors are known to the United States and/or Defendants at the time this protective
6 order is entered.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order and provide copies to counsel.

9 DATED March 11, 2022.

10 s/Mary K. Dimke
11 MARY K. DIMKE
12 UNITED STATES DISTRICT JUDGE
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